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In re Application of
BECKER et al
Application No.: 09/914,541
PCT No.: PCT/US00/05158
Int. Filing Date: 01 March 2000
Priority Date: 01 March 1999
Attorney Docket No.: 1046-PCT-US-00
For: EUKARYOTIC PEPTIDE UPTAKE
SYSTEM FOR TRANSPORTATION OF
ENKEPHALINS

NOTIFICATION

This application is before the PCT Legal Office for consideration of matters under 35 USC 371.

BACKGROUND

On 01 March 2000, applicants filed international application No. PCT/US00/05158, which claims a priority date of 01 March 1999 and designates the United States. A Demand was filed in this international application on 06 September 2000. Accordingly, the deadline for entry into the national stage in the U.S. expired 01 September 2001.

On 29 August 2001, applicants filed in the United States Patent and Trademark Office (USPTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicants, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided.

On 22 October 2001, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" which informed applicant, *inter alia*, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two month from its 22 October 2001 date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

To satisfy the requirements of 35 U.S.C. 371(c)(4) that an oath or declaration of the inventor be submitted, applicants submitted on 27 November 2001 an executed declaration. However, in the "FULL NAME OF ADDITIONAL JOINT INVENTOR" box of the declaration pertaining to the third named joint inventor, the name DONHARDT, Amy appears; this family name did not appear in the international application.

DISCUSSION

The declaration of the inventors is not acceptable at this time, in that the name of the third named inventor, DONHARDT, Amy, does not correspond to that set forth in the international application, WILES, Amy. MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Applicant must provide items (1) and (2) for consideration. Alternatively, applicants may provide a showing that the name change was effected in accordance with PCT Rule 92Bis prior to the filing of the present national stage application.

Furthermore, the declaration submitted on 29 August 2001 are improper because three of the four declarations have been submitted incomplete. Only one declaration has been submitted in its entirety (pages 1-3), the rest only included page 3 of their respective declaration. Thus the declarations are unacceptable because the USPTO requires complete respective declarations for processing. Note MPEP 602.

CONCLUSION

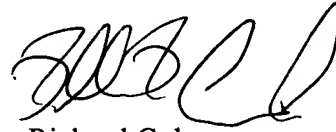
For the reasons above, the application may not enter into national stage processing at this time.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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